

1 AN ACT
2 RELATING TO WORKERS' COMPENSATION; CHANGING ELIGIBILITY
3 REQUIREMENTS FOR TEMPORARY BENEFITS.
4

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

6 Section 1. Section 52-1-25.1 NMSA 1978 (being Laws 1990
7 (2nd S.S.), Chapter 2, Section 10) is amended to read:

8 "52-1-25.1. TEMPORARY TOTAL DISABILITY--RETURN TO
9 WORK.--

10 A. As used in the Workers' Compensation Act,
11 "temporary total disability" means the inability of a worker,
12 by reason of accidental injury arising out of and in the
13 course of the worker's employment, to perform the duties of
14 that employment prior to the date of the worker's maximum
15 medical improvement.

16 B. If, prior to the date of maximum medical
17 improvement, an injured worker's health care provider
18 releases the worker to return to work, the worker is not
19 entitled to temporary total disability benefits if:

20 (1) the employer offers work at the worker's
21 preinjury wage; or

22 (2) the worker accepts employment with
23 another employer at the worker's preinjury wage.

24 C. If, prior to the date of maximum medical
25 improvement, an injured worker's health care provider

1 releases the worker to return to work and the employer offers
2 work at less than the worker's pre-injury wage, the worker is
3 disabled and shall receive temporary total disability
4 compensation benefits equal to two-thirds of the difference
5 between the worker's pre-injury wage and the worker's
6 post-injury wage.

7 D. If the worker returns to work pursuant to the
8 provisions of Subsection B of this section, the employer
9 shall continue to provide reasonable and necessary medical
10 care pursuant to Section 52-1-49 NMSA 1978."

11 Section 2. EFFECTIVE DATE.--The effective date of the
12 provisions of this act is July 1, 2005. _____

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